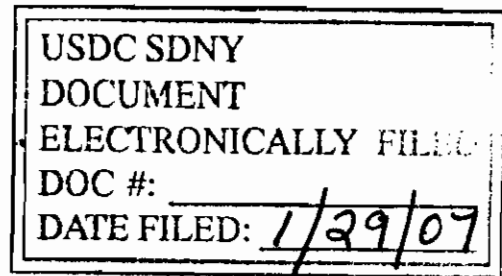


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



NATALIE TILBERG,

Plaintiff,

-against-

NEXT MANAGEMENT CO., et al.,

Defendants.

04 Civ. 7373 (RJH)

ORDER

For the reasons stated on the record at oral argument, held January 26, 2007, defendants' motion for summary judgment dismissing plaintiff's claims [44] is granted in part and denied in part. Plaintiff's claims for common law fraud, breach of fiduciary duty, conversion, breach of the duty of good faith and fair dealing, unjust enrichment, and breach of contract for the period June 2001 to June 2002 are dismissed. The Court denies summary judgment as to plaintiff's breach of contract claim arising after June 2002. Next Management's motion for summary judgment on its counterclaims is denied.

SO ORDERED.

Dated: New York, New York
January 26, 2007

Richard J. Holwell
United States District Judge